

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

LEIGHTON TECHNOLOGIES LLC,

Plaintiff,

vs.

OBERTHUR CARD SYSTEMS, S.A. and
OBERTHUR CARD SYSTEMS OF
AMERICA CORPORATION,

Defendants.

OBERTHUR CARD SYSTEMS, S.A. and
OBERTHUR CARD SYSTEMS OF
AMERICA CORPORATION,

Counterclaim Plaintiffs,

vs.

LEIGHTON TECHNOLOGIES LLC,
GENERAL PATENT CORPORATION
INTERNATIONAL, GENERAL PATENT
CORPORATION, and IP HOLDINGS LLC,

Counterclaim Defendants.

04 Civ. 02496 (CM) (LMS)

**DECLARATION OF ROBERT A.
GUTKIN SUBMITTED IN SUPPORT
OF PLAINTIFF LEIGHTON
TECHNOLOGIES LLC'S
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS FOR
STANDING**

Hon. Colleen McMahon

Magistrate Judge Lisa M. Smith

I, Robert A. Gutkin, under penalty of perjury, declare as follows:

I am a partner at Sutherland Asbill & Brennan LLP, and I represent Leighton Technologies LLC, in this case. I submit this Declaration in Support of Plaintiff Leighton Technologies LLC's Opposition to Defendants' Motion to Dismiss for Standing.

1. Attached to this Declaration as Exhibit 1 is a true and correct copy of U.S. Patent No. 5,817,207.

2. Attached to this Declaration as Exhibit 2 is a true and correct copy of U.S. Patent No. 6,214,155.

3. Attached to this Declaration as Exhibit 3 is a true and correct copy of pages 1, 52-53 and 55 of the May 4, 2006 Deposition of Ken Thompson.

4. Attached to this Declaration as Exhibit 4 is a true and correct copy of pages 1 and 69-70 of the February 3, 2006 Deposition of Jean-Marc Delbecq.

5. Attached to this Declaration as Exhibit 5 is a true and correct copy of pages 1 and 43-44 of the May 4, 2006 Deposition of Ken Thompson.

6. Attached to this Declaration as Exhibit 6 is a true and correct copy of pages 1 and 44-45 of the May 4, 2006 Deposition of Ken Thompson.

7. Attached to this Declaration as Exhibit 7 is a true and correct copy of pages 1 and 11 of the May 4, 2006 Deposition of Ken Thompson.

8. Attached to this Declaration as Exhibit 8 is a true and correct copy of pages 1 and 19-20 of the February 3, 2006 Deposition of Jean-Marc Delbecq.

9. Attached to this Declaration as Exhibit 9 is a true and correct copy of pages 1 and 29 of the February 2, 2006 Deposition of Kiet Huynh.

10. Attached to this Declaration as Exhibit 10 is a true and correct copy of pages 1 and 52-53 of the February 2, 2006 Deposition of Kiet Huynh.

11. Attached to this Declaration as Exhibit 11 is a true and correct copy of pages 1 and 157-158 of the May 4, 2006 Deposition of Ken Thompson.

12. Attached to this Declaration as Exhibit 12 is a true and correct copy of pages 1 and 15-16 of the October 10, 2005 Deposition of Keith Leighton.

13. Attached to this Declaration as Exhibit 13 is a true and correct copy of pages 522 and 554-555 of the October 23, 2006 Deposition of Keith Leighton.

14. Attached to this Declaration as Exhibit 14 is a true and correct copy of pages 1 and 31 of the October 10, 2005 Deposition of Keith Leighton.

15. Attached to this Declaration as Exhibit 15 is a true and correct copy of pages 522 and 590 of the October 23, 2006 Deposition of Keith Leighton.

16. Attached to this Declaration as Exhibit 16 is a true and correct copy of pages 1 and 151-152 of the October 10, 2005 Deposition of Keith Leighton.

17. Attached to this Declaration as Exhibit 17 is a true and correct copy of pages 151 and 264 as well as deposition exhibit 2021 of the March 22, 2006 Deposition of Jean-Marc Delbecq.

18. Attached to this Declaration as Exhibit 18 is a true and correct copy of pages 522 and 609 of the October 23, 2006 Deposition of Keith Leighton

19.A. Attached to this Declaration as Exhibit 19A is a true and correct copy of pages 1 and 99-100 of the October 9, 2005 Deposition of Keith Leighton.

19.B. Attached to this Declaration as Exhibit 19B is a true and correct copy of pages 1 and 104-105 of the October 9, 2005 Deposition of Keith Leighton.

19.C. Attached to this Declaration as Exhibit 19C is a true and correct copy of pages 1 and 146-147 of the October 9, 2005 Deposition of Keith Leighton.

19.D. Attached to this Declaration as Exhibit 19D is a true and correct copy of pages 1 and 46 of the October 10, 2005 Deposition of Keith Leighton.

19.E. Attached to this Declaration as Exhibit 19E is a true and correct copy of pages 1 and 48-50 of the October 10, 2005 Deposition of Keith Leighton.

19.F. Attached to this Declaration as Exhibit 19F is a true and correct copy of pages 1 and 52 of the October 10, 2005 Deposition of Keith Leighton.

19.G. Attached to this Declaration as Exhibit 19G is a true and correct copy of pages 522 and 586-587 of the October 23, 2006 Deposition of Keith Leighton.

19.H. Attached to this Declaration as Exhibit 19H is a true and correct copy of pages 522 and 595-596 of the October 23, 2006 Deposition of Keith Leighton.

19.I. Attached to this Declaration as Exhibit 19I is a true and correct copy of pages 522 and 597-602 of the October 23, 2006 Deposition of Keith Leighton.

19.J. Attached to this Declaration as Exhibit 19J is a true and correct copy of pages 522 and 604-613 of the October 23, 2006 Deposition of Keith Leighton.

19.K. Attached to this Declaration as Exhibit 19K is a true and correct copy of pages 522 and 653-654 of the October 23, 2006 Deposition of Keith Leighton.

19.L. Attached to this Declaration as Exhibit 19L is a true and correct copy of pages 522 and 656 of the October 23, 2006 Deposition of Keith Leighton.

19.M. Attached to this Declaration as Exhibit 19M is a true and correct copy of pages 522 and 666-667 of the October 23, 2006 Deposition of Keith Leighton.

19.N. Attached to this Declaration as Exhibit 19N is a true and correct copy of pages 522 and 672 of the October 23, 2006 Deposition of Keith Leighton.

19.O. Attached to this Declaration as Exhibit 19O is a true and correct copy of pages 522 and 673-675 of the October 23, 2006 Deposition of Keith Leighton.

19.P. Attached to this Declaration as Exhibit 19P is a true and correct copy of pages 522 and 675-681 of the October 23, 2006 Deposition of Keith Leighton.

19.Q. Attached to this Declaration as Exhibit 19Q is a true and correct copy of pages 522 and 684-687 of the October 23, 2006 Deposition of Keith Leighton.

19.R. Attached to this Declaration as Exhibit 19R is a true and correct copy of pages 522 and 775 of the October 23, 2006 Deposition of Keith Leighton.

19.S. Attached to this Declaration as Exhibit 19S is a true and correct copy of pages 522 and 860 of the October 23, 2006 Deposition of Keith Leighton.

19.T. Attached to this Declaration as Exhibit 19T is a true and correct copy of pages 522 and 862 of the October 23, 2006 Deposition of Keith Leighton.

20. Attached to this Declaration as Exhibit 20 is a true and correct copy of pages 522 681 and 860 of the October 23, 2006 Deposition of Keith Leighton.

21. Attached to this Declaration as Exhibit 21 is a true and correct copy of pages 522 and 626 of the October 23, 2006 Deposition of Keith Leighton.

22. Attached to this Declaration as Exhibit 22 is a true and correct copy of pages 522 and 630-631 of the October 23, 2006 Deposition of Keith Leighton.

23. Attached to this Declaration as Exhibit 23 is a true and correct copy of pages 522 and 650-651 of the October 23, 2006 Deposition of Keith Leighton.

24. Attached to this Declaration as Exhibit 24 is a true and correct copy of pages 522 and 686-687 as well as deposition exhibit E of the October 23, 2006 Deposition of Keith Leighton.

25. Attached to this Declaration as Exhibit 25 is a true and correct copy of pages 522 and 653-654 of the October 23, 2006 Deposition of Keith Leighton.

26. Attached to this Declaration as Exhibit 26 is a true and correct copy of pages 522 and 684 of the October 23, 2006 Deposition of Keith Leighton.

27. Attached to this Declaration as Exhibit 27 is a true and correct copy of pages 151, 232 and 242 as well as deposition exhibit 2020 of the March 22, 2006 Deposition of Jean-Marc Delbecq.

28. Attached to this Declaration as Exhibit 28 is a true and correct copy of pages 1, 100-101 and 116-118 of the May 4, 2006 Deposition of Ken Thompson.

29. Attached to this Declaration as Exhibit 29 is a true and correct copy of pages 522 and 708-709 of the October 23, 2006 Deposition of Keith Leighton.

30. Attached to this Declaration as Exhibit 30 is a true and correct copy of pages 151 and 250 of the March 22, 2006 Deposition of Jean-Marc Delbecq.

31. Attached to this Declaration as Exhibit 31 is a true and correct copy of pages 1 and 129-130 of the May 4, 2006 Deposition of Ken Thompson.

32. Attached to this Declaration as Exhibit 32 is a true and correct copy of pages 151 and 230 as well as deposition exhibit 2019 of the March 22, 2006 Deposition of Jean-Marc Delbecq.

33. Attached to this Declaration as Exhibit 33 is a true and correct copy of pages 1, 127 and 145-146 of the May 4, 2006 Deposition of Ken Thompson.

34. Attached to this Declaration as Exhibit 34 is a true and correct copy of pages 522 and 721-727 of the October 23, 2006 Deposition of Keith Leighton.

35. Attached to this Declaration as Exhibit 35 is a true and correct copy of pages 522 and 725-726 of the October 23, 2006 Deposition of Keith Leighton.

36. Attached to this Declaration as Exhibit 36 is a true and correct copy of pages 1, 132, 164 and 166-167 of the May 4, 2006 Deposition of Ken Thompson.

37. Attached to this Declaration as Exhibit 37 is a true and correct copy of 35 U.S.C. § 261.

38. Attached to this Declaration as Exhibit 38 is a true and correct copy of pages 522 and 568-569 of the October 23, 2006 Deposition of Keith Leighton.

39. Attached to this Declaration as Exhibit 39 is a true and correct copy of pages 522 and 572-574 of the October 23, 2006 Deposition of Keith Leighton.

40. Attached to this Declaration as Exhibit 40 is a true and correct copy of pages 522 and 531-532 of the October 23, 2006 Deposition of Keith Leighton.

41. Attached to this Declaration as Exhibit 41 is a true and correct copy of pages 522 and 586 of the October 23, 2006 Deposition of Keith Leighton.

42. Attached to this Declaration as Exhibit 42 is a true and correct copy of pages 522, 605 and 685-686 of the October 23, 2006 Deposition of Keith Leighton.

43. Attached to this Declaration as Exhibit 43 is a true and correct copy of pages 522 and 594-595 of the October 23, 2006 Deposition of Keith Leighton.

44. Attached to this Declaration as Exhibit 44 is a true and correct copy of pages 522 and 559-563 of the October 23, 2006 Deposition of Keith Leighton.

45. Attached to this Declaration as Exhibit 45 is a true and correct copy of pages 522 and 687-689 of the October 23, 2006 Deposition of Keith Leighton.

46. Attached to this Declaration as Exhibit 46 is a true and correct copy of pages 1 and 141-147 of the October 9, 2005 Deposition of Keith Leighton.

47. Attached to this Declaration as Exhibit 47 is a true and correct copy of pages 1 and 128 of the October 10, 2005 Deposition of Keith Leighton.

48. Attached to this Declaration as Exhibit 48 is a true and correct copy of pages 1 and 137-141 of the May 4, 2006 Deposition of Ken Thompson.

49. Attached to this Declaration as Exhibit 49 is a true and correct copy of pages 522 and 768-770 of the October 23, 2006 Deposition of Keith Leighton.

50. Attached to this Declaration as Exhibit 50 is a true and correct copy of the Declaration of Keith R. Leighton dated December 6, 2005.

51. Attached to this Declaration as Exhibit 51 is a true and correct copy of pages 1 and 55 of the May 4, 2006 Deposition of Ken Thompson.

I declare under penalty and perjury under the laws of the United States that the foregoing is true and correct.

Dated: January 26, 2007

/s/Robert A. Gutkin
Robert A. Gutkin (Pro hac vice)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing DECLARATION OF ROBERT A. GUTKIN SUBMITTED IN SUPPORT OF PLAINTIFF LEIGHTON TECHNOLOGIES LLC'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS FOR STANDING, was served on the following on January 26, 2007 by e-mail and overnight mail:

Edward DeFranco
Kevin Johnson
Mark Baker
Quinn Emanuel Urquhart Oliver & Hedges, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010

/s/ Robert A. Gutkin